

MANDATE

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
 Thurgood Marshall U.S. Courthouse at Foley Square 40 Centre Street, New York, NY 10007 Telephone 212-570-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 09-3317-cv (L); 09-3353-cv (XAP)

Motion for: Stay of Appeal and Remand for Review of Settlement Proposal

Set forth below precise, complete statement of relief sought:

Plaintiffs/Appellants request that this Court stay appellate proceedings, and remand

to the District Court jurisdiction to consider the fairness to individual plaintiffs

of a settlement proposal on which the parties' attorneys have agreed. Defendants/

Cross-Appellants do not oppose this relief.

MOVING PARTY: Scott, et al.

<input type="checkbox"/> Plaintiff	<input type="checkbox"/> Defendant
<input checked="" type="checkbox"/> Appellant/Petitioner	<input type="checkbox"/> Appellee/Respondent

MOVING ATTORNEY: Gary A. Orseck

[name of attorney, with firm, address, phone number and e-mail]
 Powers, Russell, Engle, Orseck, Unteriner & Sauter LLP
 1001 1/2 Street, N.W., Suite 411
 Washington, D.C. 20006
 (202) 775-4500

Caption (use short title)

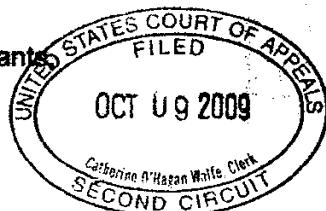
Scott, et al.,

Plaintiffs/Appellants

v.

City of New York, et al.,

Defendants/Cross-Appellants



OPPOSING PARTY: Unopposed; City of New York isAppealed in the case

OPPOSING ATTORNEY [Name]: Deborah Brenner	[name of attorney, with firm, address, phone number and e-mail]
New York City Law Department	100 Church Street, Room 2-172
100 Church Street, Room 2-172	New York, NY 10007
(212) 788-0881	

DOC #	DATE
OCT 29 2009	

USDC SDNY
DOCUMENT

ELECTRONICALLY FILED

Court/Judge/Agency appealed from: United States District Court for the Southern District of New York (Scheindlin, J.)

Please check appropriate boxes:

Has consent of opposing counsel:

A. been sought?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
B. been obtained?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Is oral argument requested? Yes No
 (Request for oral argument will not necessarily be granted)

Has argument date of appeal been set? Yes No

If yes enter date _____

FOR EMERGENCY MOTIONS, MOTIONS FOR STAY AND INJUNCTIONS PENDING APPEAL:Has request for relief been made below? Yes NoHas this relief been previously sought in this Court? Yes No

Requested return date and explanation of emergency: _____

Signature of Moving Attorney:

Date: 10-7-09

Has service been effected? Yes No
 [Attach proof of service]

A TRUE COPY

Catherine O'Hagan Wolfe, Clerk

by _____

DEPUTY CLERK

Before: Robert A. Katzmann, Circuit Judge

IT IS HEREBY ORDERED that the Appellant's motion to stay Appellate proceedings and for limited remand to the district court for review of the settlement proposal is GRANTED. Within 14 days of the conclusion of the fairness hearing, the Appellants must submit notice to the court if they would like the appeal reactivated.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

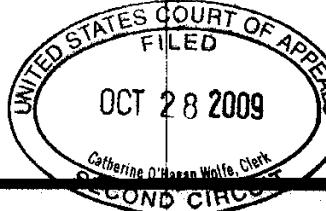
by

Judy Pisnayont

Judy Pisnayont, Motions Staff Attorney

10.28.09

Date



CERTIFIED:

OCT 28 2009